



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No. 15284 of 2017

T.Shanmugam

... Petitioner

-Vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukottai District,
Pudukottai.

2.The Inspector of Police,
Karaiyur Police Station,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to grant police protection in Arulmigu Sri Vinayagar Chathurthi Pooja festival to be celebrated on 29.08.2017 in Melathaniyam, Ponnamaravathy Taluk, Pudukottai District on the basis of the petitioner's representation dated 05.08.2017.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.S.Sadhishkumar,
Additional Government Pleader.

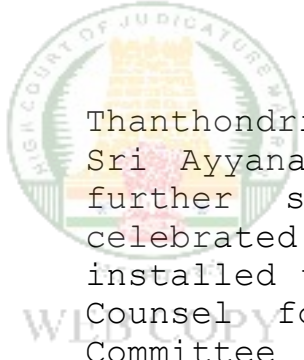
O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the second respondent to grant police protection in respect of Arulmigu Sri Vinayagar Chathurthi Pooja festival to be celebrated on 29.08.2017, in Melathaniyam, Ponnamaravathy Taluk, Pudukottai District, on the basis of the petitioner's representation dated 05.08.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel for the petitioner states that in his native place, temples by name, Sri Muthu Mariyamman Temple, Sri



Thanthondri Vinayagar Temple, Sri Agastheswarar (Sivan) Temple, Sri Ayyanar Temple and Sri Pidari Amman Temple are located. He further submits that Vinayagar Chadurthi Festival is also celebrated every year and the Festival Committee had already installed the idol of Lord Vinayagar, at Sandaipettai. The learned Counsel for the petitioner further states that the Festival Committee had already approached the second respondent to give police protection to Lord Vinayagar Idol Procession. The petitioner himself admits that due to some confusion, the second respondent did not grant permission to follow the usual route and that there was some problem during the past. The petitioner insisting that the Lord Vinayagar Procession should take place through a particular route and submits that the same was being followed every year.

4. The learned Special Government Pleader, on instructions, submits that they have no objection for granting permission and to give adequate police protection, if the petitioner and his group are agreeable to conduct Lord Vinayagar Procession through the route specified by the second respondent. The learned Special Government Pleader also expressed some difficulty, in view of the residence of many Muslims in certain areas, stating that it would cause some problem when permission is granted without consulting them.

5. Considering the facts and circumstances of the case, the Writ petition is allowed with the following direction:-

(a) The second respondent is directed to consider the representation of the petitioner dated 05.08.2017 and to grant permission and adequate police protection to the petitioner to conduct Vinayagar Chadurthi Festival and other connected celebration on 29.08.2017 in Melathaniam, Ponnamaravathy Taluk, Pudukottai District, subject to the condition that the petitioner shall abide by the route may be prepared and suggested by the second respondent. The permission also will be subject to the following conditions:

(a) The programme proposal indicated in the application dated 05.08.2017, should be strictly adhered to. If, the second respondent has any suggestion regarding the procession, so as to avoid nuisance or to preserve public order and communal harmony, the petitioner is directed to co-operate fully without any deviation.

(b) The petitioner and the organizers shall conduct the programme in a peaceful manner without causing any hindrance to the public, affecting their normal life or causing any problem or belonging to any other religions.

(c) The petitioner and his men shall abide by any other restrictions or conditions that may be put by the respondent during the performance of Pooja or any other religious ceremony.

(d) The place in which the Vinayagar Statue is located and the manner in which the procession shall take place, should be intimated to the respondents well in advance.

(e) There will not be any song or slogan or dance affecting the religious sentiments of any other religion;

(f) there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

(g) The petitioner and their men shall provide sufficient security to the idols installed by them on their own and the petitioner can not expect the respondent to provide any police force to be deployed at the place when the idols of Lord Vinayagar is installed.

(h) no flex boards in support of any political party or religious leader or community be erected;

(i) if there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance;

(j) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the procession; and

(k) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

6. It is open to respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To

1. The Superintendent of Police,
Office of the Superintendent of Police, Pudukottai District,
Pudukottai.

2. The Inspector of Police, Karaiyur Police Station,
Pudukottai District.

+1CC to Mr.S.Sivakumar, Advocate, SR.No.73540

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cmr/dss